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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,214	05/09/2001	Jason Brandon Taylor	962P002	3817

26568 7590 04/14/2006

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EXAMINER

ALVAREZ, RAQUEL

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/852,214

Applicant(s)

TAYLOR ET AL.

Examiner

Raquel Alvarez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 41 and 42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/20/2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This office action is in response to communication filed on 1/9/2006.
2. Applicant elected Group I, consisting of claims 1-40.
3. Claims 41-42 should include the identifier –withdrawn-. Claims non-elected are presumed to be withdrawn. See 37 CFR 1.121

**Claim Rejections - 35 USC § 112**

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. In claims 21-28, the term “permitting” do not positively recite the steps being performed. Correction required.

**Claim Rejections - 35 USC § 102**

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-5, 9-10, 21-25, 29-30 are rejected under 35 U.S.C. 102(a) as being anticipated by Follis (6,092,806 hereinafter Follis).

With respect to claims 1, 4-5, 10, 21, 24-25, 30 Follis teaches a method for participation in a promotion program (Abstract). Acquiring a quantity of points (col. 7, lines 54-62); reviewing an upcoming real world event and reviewing a select set of possible outcomes for said event (col. 8, lines 41-63); selecting one of said select set of possible outcomes as a prediction entry (col. 9, lines 23 to col. 10, lines 1-27); associating said quantity of points with said prediction entry (see Figures 2A-2D);

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awaiting an actual outcome of said upcoming real world event to determine whether said prediction entry might be a winning prediction entry (col. 12, lines 16-27); and if said prediction entry is a winning prediction entry, receiving a reward for making a winning prediction entry during participation in said promotion program (col. 13, lines 65 to col. 14, lines 1-6).

With respect to claims 2-3, 9, 22-23, 29 Follis further teaches downloading a login webpage and conducting a login process to initiate participation in said promotion program (col. 4, lines 31-37).

**Claim Rejections - 35 USC § 103**

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6-8, 11-20, 26-28 and 31-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Follis.

Claims 6-8 and 26-28 further recite replacing said prediction entry with said adjusted prediction entry. Official notice is taken that it is old and well known in the computer related arts to replace or update or change certain entry in order to reflect the

user's change of mind. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included replacing said prediction entry with said adjusted prediction entry in order to achieve the above mentioned advantage.

Claims 11, 18-20, 31, 38-39 further recite purchasing an instant win product having an instant win code; entering the instant win code at an instant webpage and receiving results as to whether entry of said instant win code constitutes an instant win. Official notice is taken that it is old and well known to purchase an instant win product having an instant win code; entering the instant win code at an instant webpage and receiving results as to whether entry of said instant win code constitutes an instant win. For example, Turkey Hill offers a game code on selected, specially marked packages of Turkey Hill Dairy Ice Cream. The users have to go [turkeyhill.com](http://turkeyhill.com) and follow the on-screen instructions to play the game. The game code will allow entrance into an online game. If you are drawn a winning message, you are the potential winner of the prize specified. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included recite purchasing an instant win product having an instant win code; entering the instant win code at an instant webpage and receiving results as to whether entry of said instant win code constitutes an instant win in order to obtain the above mentioned advantages. With respect to the product being an Online product it would have been obvious to replace the offline product with the Online product to obtain similar results.

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Claims 12, 15, 32 and 35 further recite completing a survey and in response to completion of said survey receiving a reward. Official notice is taken that it is old and well known to receive a reward for completing a survey. For example, marketers would encourage customers or users to fill out a survey or questionnaire by given them free merchandise or items. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included completing a survey and in response to completion of said survey receiving a reward in order to achieve the above mentioned advantage.

Claims 13-14, 16-17, 33-34, 36-37, are rejected under same rationale as claims 11, 18-20 and 31 rejected above.

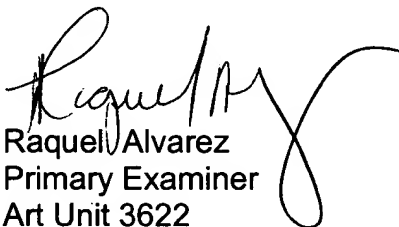
Claim 40 is rejected under same rationale as claims 11, 18-20, 31, 38-39 rejected above.

**Point of contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Raquel Alvarez  
Primary Examiner  
Art Unit 3622

R.A.  
4/11/2006